preserve

G. R. S. IX-5]

Previous references.

Ch. 20-18.(1-2)
" 52-20-1.
Pro. dep. no. 1017-19.

1920.

(Stamps)

File No. 11-20

Serial Nos. 4.

Later references.

8v: 14-24(1-4)
87 185- 3088.1-3
Law Dep 65-35-

GENERAL AND REVENUE SECRETARIAT.

V.41

Serial Nos. one.

Part B for July 1922.

SUBJECT.

Recovery of ~~court fees~~ institution fees in Suits filed in forma pauperis.

8(4)

To The Commissioner of Stamps
The Revenue Comr.
The Dy. Comrs. of DG
The Registrar, Chief Court.

No. R 11306-26 of 11.4.21.

Issues instructions in the above matter.

WD 1888—GPB—16,626—23-7-21

Re. Nazeer Hussain
11/7/22.

G. R. S. III—1]

1920.

GENERAL AND REVENUE SECRETARIAT.

(~~Stationers~~

NOTES.

File No. 17-20

FILE HEADING.

Remission in the case of Stamp duty awarded to Government in Pauper Suit.

From

No.	Dated	Received
Diary No.	Enclos. / Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

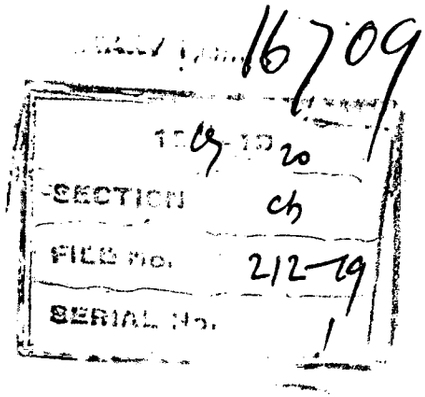
W. D. 2725—GPB—2,000—5-5-1

Memo No 188

Sec: 1: -20-

REPLY.

(*To be written on this margin.*)



Office of the Dewan of Mysore.

NOTE.

Dated.....9th....March.....1920.

The Dewan will be glad to know if the recovery of arrears of Stamp Duty awarded to Government in pauper suits is watched regularly, and reviews after the manner of the Board of Revenue Proceedings (Madras) No. 99/1126-R.Mis. dated 5th December 1919, made, of the state-ments periodically received.

2. A full note may be put up very early.

By order,

C Ranganatha Rao Saheb
Private Secretary to Dewan.

~~L.A.~~

The Secretary to Government,
Revenue Department, with compliments

L.A.
by
9.3.20.

3. No such reports are being received in the Revenue Sects. They are perhaps dealt with in the Protection Branch of the Chief Sects.
9.3.20

Rec'd 17/3

cs 17/3

To Protection Branch Chief Sects

SMN
10.3.20

G. R. S. III-2)

General and Revenue Secretariat. | File No. 216 of 1920

Serial No.	
	4. Notice the Court Section does not also receive any such Report. All that is done here is to issue Govt Sanction for to write off such of the irrecoverable fees as are recommended by the Dist Magistrate Dep't Courts to be irrecoverable. A sample file Ch 20 of 18 (1+2) to show what is actually done is put up for reference. A circular on this subject was issued in the Revenue Commissioner's Office, some time back, a copy of which also is put up here for perusal & information.
	5. This is all the available information & existing practice on the subject in submitted.
	6. In the Proc: Br: the recommendations of the Dep't Courts in respect of the irrecoverable fees are carefully scrutinized. Also the Rev: Court has recently issued a circular inviting attention to the irregular procedure sometimes adopted by the Rev: Officers & requiring prompt action to be taken in the matter (H.C: D)
	Dis madras, it is the Bd of Revenue which reviews the statements. Since the Rev: Officers have to recover the Court fees due to Govt; it is no point for consideration whether the Rev: Court may not be asked to ca

15/10/20
1923

NOTE—Contn. sheet.

(W)

G. R. S. III-2)

General and Revenue Secretariat.

~~S.C~~ File No. 4 R of 1919. 16709

Serial No.

for periodical Sts: from the Rev: Officers to review the same, as is done in Mad: This has perhaps to be dealt with in the Rev: Sects.

D. no. 26/3

Chief sec)

7. I think the Rev Comm may review these Sts periodically.

Revenue with Compliments) 3/4/3

D. no. 1/4

D. No. 7224 3.4.20.

8. I think so, also. A draft to Rev Comm may be put up. The review may be half-yearly, a copy being sent to Govt for information.

1.4.20.

D. no. 7308

Draft dispatch herewith.

TR 7/4

NOTE—Contn. sheet.

(P.T.O.)

78085

G. R. S. III-2]

General and Revenue Secretariat. | St | File No. 11 of 1912.

Serial No.

Submitted

9. The Dewan's note seems desires that steps should be taken to watch the recovery of the arrears of Stamp duty recoverable to Govt in such Cases and calls for a note.

10. No definite orders are in extant on the subject and in accordance with the Dewan's orders some definite orders fixing the responsibility of the several officers concerned in the collection and control of such Revenue seem to be necessary.

11. The by Laws of Dte. the Revenue Commissioner and the Stamp Commr as the chief Controlling Revenue authority (vide file 11-18-1 put up below) are the officers that exercise check and watch over such revenue.

12. As the by Laws of the Dte have the direct control in the collection of such Revenue attention is invited to the interesting discussion on the subject in Punjab Stamp Manual (page 28) where in the responsibility has been brought home to them by prescribing a pauper suit note book to place them in constant touch with the matter.

13. As regard the progress reports to be

D.

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. — File No. 71 of 1920

Serial No.

this subject in his annual administration Report of the Department together with a consolidated Statement showing the progress in the collection of such revenue during the year.

17. Submitted for orders whether a draft on these lines is to be put up or a simple draft as directed in Rev. Secy's order dt. 1.11.20.

18. The Chief Controlling Revenue Authority under the Stamp Rules in Mysore is the Stamp Commr who sanctions remissions upto 100 Rs. After the limit of a hundred rupees the irrecoverable arrears are written off under the authority of Govt. So the Rev. Commr's position has to be specially indicated in the draft.

19. The duties of the Courts, the Dy Commrs & the Rev Commr have also to be specifically laid down. A Register may be prescribed to be kept by the Dy Commr who should furnish periodical returns to the Rev Commr in prescribed forms. The Rev Commr

NOTE—Contn. sheet.

Serial No.

Could then review such returns half yearly.

Rev Seq.

10.4

20. There is surely nothing to prevent a draft being put up in detail on the lines noted above. The brief note in the opening paper & the draft would have explained the situation. A draft may now be put up.

12.4.20

21. Submitted with a draft order. The order is in the main on the lines of the Rules in force in Madras. (Vide page 305-306 of the Madras Stamp Manual). The Protection Judicial Branch may, if approved, be consulted as regards the suitability of the draft G.O. before it issues.

16-4-20 16/4 Rev Seq. 21.4

22. Rearrange the paragraphs as shown in the draft, put up clean typed copy and resubmit with the remarks of the Protection Br. 22/4/29

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

16709 7357/9

31—File No. 11 of 1920

Serial No.

23. A typed copy of the revised draft is submitted. The file may now be forwarded to the Protection Branch for opinion.

26-4-20

Yes

27/4

Protection Branch).

24.
Submitted for opinion with reference to paragraphs 21 + 23 above

29/4/20

25. Mr. Supt. will please examine the draft & push up a note

D. M. Ms.

26.
Resd. There does not seem to be anything to add in the draft which closely follows the Madras Rules on the subject; Please see pages 305-306 & 397 of the Madras Stamp Manual pulup

11/5

27. Please push up the Govt. proceedings. Paras III & IV at pp. 305-306 have been adopted in the draft. The procedure prescribed therein relates to pauper applications & not to suits.

If there is any information to show how

NOTE—Contn. sheet.

Serial No.

These notes are worked in practice, please look up.

Do these editions of the manual do so, are these paras retained in it.

D.M. 26/5

28.

A Copy of the Civil Procedure Code is put up.

All that is being done in such cases is to simply sanction the writing off of such sum as may become irrecoverable on the recommendation of the Dy Commissioner. (Ch 20-28 is put up for reference) ~~No further action is taken. Please see whether any further action is necessary.~~

No Stamp manual is said to be available.

Subd 29. Mo Civ: P.C. regd & Limitation Act.

KR — Why do the mad Stamp Manuals 9/6/1920 Act 1976 — detain away from the file? Please put up a note on the practice in Bombay & Bengal as well as provincially.

D.M. 26/6

5, 26/6

30.

1) Ameer Ali's Civil Procedure Code is put up.

2) The Stamp Manual was not received in the branch along with the file & so, the file was submitted thinking that the manual ought to have been detained by the Asst. Secretary. Now, a Copy of the Stamp Manual

NOTE—Contn. sheet.

16709 (11)

G. R. S. III-2]

General and Revenue Secretariat. File No. 1121 of 1919-20

Serial No.	
	taken from the Asst. Secretary's room is put up
	(3) The Stamp Manual of Bombay is said to be not available in the Library & there is no information on the subject in the Bombay Code.
	(4) As for the practice in Bengal, there is a single order which is flagged in the book as 'A' kept up in this file.
	Subd.
	31. No. P. S. O. note of 9th March 1920 relates to two points:—
	(1) Whether the recovery of arrears of Court fees due to Govt. in pauper suits is regularly watched
	& (2) whether the statements periodically sent are reviewed after the manner of the Board of Revenue Proceedings in Madras.
	32. The latter point is dealt with in paras 5 to 9 of the proposed G.O. Bill as regards the first point, action is intended to be taken as proposed in paras 1 to 4 of the Draft, which, it is found, are adopted from the Madras Stamp Manual (paras 111 to 114). The procedure prescribed therein

NOTE—Contn. sheet.

Serial No.

prove his allegations even if the deft. does not care to contest.

35. The procedure suggested in the proposed rules seems to be unnecessary apart from the expenditure involved. Besides, it is a matter entirely within the discretion of the Court either to reject or grant an pauper application; and civil courts may, perhaps, be trusted to exercise their discretion properly in such cases.

36. Again, under O. XXXIII R. 9, the Court may, on the application of the deft. or the Govt. Pleader, dispauper the plff.; and this provision seems to be sufficient to serve the purpose.

Rule No. 14, proposed in the draft seems likely to be unnecessary.

37. Need for prompt & vigilant action, more than anything else, seems to be necessary in the matter of recovering arrears of Court fees in pauper suits.

Dn. 13/7

Rev: Sects)

38. With a view to secure

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | Sl — File No. 11 of 1920

Serial No.

The object in view out-lined in para 37 of the notes and to watch the recoveries in Pauper suits, a set of Rules have to be framed for the guidance of the officers concerned. The Protection Asst. Secretary, Protection Branch, does not suggest on what lines the draft G.R. may be amended. Nor has any other substitute for the proposed Rules been suggested. As this is a judicial subject, the Protection Branch may, if approved, be requested to suggest either the amendments which it are necessary or to suggest an alternative draft. Or the Chief Court may be consulted in the matter.

16-7-20 17/7 Mr. 39: The Govt. advocate may be consulted.

Re. Seq. 30-7

4. There does not seem to be anything unnecessary or irregular in the draft proposed. The Govt. Advocate's opinion may, if advd, be taken.

2nd member) 2-8-20

2-8-20

NOTE—Contn. sheet.

15

G. R. S. III-21

General and Revenue Secretariat.

File No. 11 of 1920

Serial No.	
	41.
7B·31 / 3·8·20	The Govt. Adv. may be consulted. As the S.C. is now the chief Controlling Authority under the Stamp Regulation I do not think there is any need to assign any special responsibility in the matter to the Rev. Comrs. It will do if a copy of the S. Cs review is sent to him for his information.
	Reel 4.8.20
	42.
G.O. No. 11. 5-8-20	Forwarded with compliments to the Govt. Advocate for favour of opinion.
	(Sd) Ramaswami For Secy to Govt. Rev. Deptt.
	4·8·20.
Received 1920 / No. 13 / 7/8/1920	43.
1920-21	Attention is invited to the following orders & Circulars a perusal of which may perhaps render a modification to a large extent of the action now proposed to be taken :—
	(1) G.O no 6082 - J : 167 dated 4·2·1880

NOTE—Contn. sheet.

(16)

G. R S. III-2]

General and Revenue Secretariat. | Gl — File No. 11 of 1920

Serial No.	
	(2) G.O no R 5115 - L.R 164 - 10 - 2 dated 7 - 11 - 1911 & the form of Register prescribed & appended -
	(3) The information required to be given in the Annual administration reports as per G.O. quoted in (2) above.
Flag C	(4) G.O no J 1144 - 56 Ch. 269 - 10 - 4 dated 10 - 7 - 1911
Flag F	(5) G.O. no J 993 - 1005 Ch. 67 - 11 - 2 dated 19 - 9 - 1911
Flag D	(6). Rev: Com.rs Circular no R Dis 127 Gl 19 - 20 dated 22 - 10 - 19 Com.r to Govt. & his letter no 1024 Gl & 5 - 11 - 1919 & the Govt reply no G. 16888 dated 23 - 1 - 20.
Flag G	

6.8.20

44. G.O. No. R. 5115 dated L.R. 164-10-2 7th Nov - 1911 referred to by the Govt. Advocate is not available in the Records: The connected file is reported to have been destroyed. Nor are printed copies of the same available, may the Govt. Advocate be requested to send a copy of the same? submitted

NOTE—Contn. sheet.

(17)

G. R. S. III-2

General and Revenue Secretariat. | File No. 14 of 1920

Serial No.

The Govt. Advocate has not suggested ~~any~~ the lines on which the G.O. draft G.C. requires amendment as requested in para 38 of the notes. Submitted for orders with a draft D.C. to the Govt. Advocate.

21-8-20 45-/min 31-8

To the Govt. Advocate.

D.C. No. R. 3144 dated 2-9-20

Request ~~was~~ to forward a copy of G.C. No. R. 5115 / L.R. 164-10-2 dated 7th Nov. 1911 referred to in para 3[illegible] of [illegible]

46. of the G.C.'s quoted by the Govt. Advocate in para 4 of the notes, Serial (2), Lic. G.C. No. R. 5115 / L.R. 164-10-2 dated 7th Nov. 1911 is not available in the Secretariat records as the connected file is reported to have been destroyed. The Govt. Advocate ~~has~~ has not sent a copy of it, although he has been twice reminded in the matter.

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | Str. File No. 11 of 1920

Serial No.

So far as can be ascertained from such of the previous references quoted by the Govt. Advocate that are available, the draft in the file deviates from the existing orders in the matter in regard to one point viz., the authority who should engage a lawyer in pauper suits to watch the interests of Govt. At present sanction of Govt. is required for engaging lawyers in such cases, whereas since the G. O.'s quoted by the Govt. Advocate require the utilization of the services of the Public Prosecutor in such cases as far as possible. The draft G. O. in the file authorizes the Dy. Comr. to engage a lawyers in such cases as is the case in Madras. This change has since been recommended by the Revenue Comr. (Vide linked file — Cls. 52-20).

NOTE—Contn. sheet.

5

(19

7388
740

G. R. S. III-2]

– General and Revenue Secretariat. | Sls., File No. 11 of 1920

Serial No.

47. In the absence of the G.O. of 7th Novr. 1911 quoted by the Govt. Advocate it is not however possible to say with absolute certainty whether the draft G.O. in the file does not require any modification whatsoever in the light of previous references on the subject. But the G.O. follows the procedure in force in Madras and may therefore be found good enough to be followed in the Mysore State also. Since the Govt. Advocate has not sent a copy of the G.O. of 7th Novr. 1911 referred to above, he may be requested unofficially to State clearly on what points or matters the draft requires modification in the light of the previous references quoted by him.

BM
16-11-20 16/11/20.

68. Please see me

16-11-20

16-11-20

Reminders are being received from the Govt. in the early correspondence files.

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

(20

G. R. S. III-2]

General and Revenue Secretariat.

35. File No. 11 of 1919.

Serial No.

49.

Forwarded with compliments unofficially for favour of Sir's Suggestions. The modifications deemed necessary may be kindly embodied in the form of a revised draft and forwarded to this office at an early date.

By order
D. Srinivasan
16.11.20

Under Secy to Govt
for Rev. Secy to Govt

To the Govt. Advocate
Bangalore

50.

The reference in my former note to the G.O of the 7th November 1911 is a mistake for 7th March 1911, which I have been able to find out only now. This G.O. Contains detailed instructions in the matter of the recovery of institution fees in pauper cases & the maintenance of a register similar in scope to the proposed one for ensuring & checking the progress of such recoveries. In view of the existence of this & the other orders I had quoted in my previous

G.O. No. 66
16-11-20.

M.O. 4459/1920-21.
24.11.1920

GEN & REV. SECTT
Rev Sect
25 NOV 1920
IV
23953

NOTE—Contn. sheet.

WD A 1769—GPB—60,000—20-9-18—S.

(24

G. R. S. III-2]

General and Revenue Secretariat. | Sls. File No. III 11 of 1919.

Serial No.

note, the preamble to the draft order should be recast. All the proceedings quoted by me might be read at the head of the proposed draft which might begin to this effect :—

"In supersession of the orders read above Govt. are pleased to lay down &c"

51. The draft rules seem to be on the whole suitable — In para 6 for the words 'Govt. advocate' the words 'Public Prosecutor' may be substituted because the Govt. advocate does not except under the special orders of Govt. appear in original Courts much less in Execution Cases.

Rdrasamma Jr
23.4.20

5/- Submitted with the draft revised in accordance with the opinion of the Govt. Advocate. Para 6 of the draft G.O. does not necessitate the appearance of the Govt. Advocate in such

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-8-18—S.

Serial No.

cases. "Government's Advocate" in this para signifies any advocate or pleader engaged by Govt. submitted for orders.

29-11-20 29/11/20

53. The rules are adapted from those in force in Madras. For orders with respect to paras 40 & 41

(See) 1.12.

54. Please see corrections in the draft. Should it be the Courts of Stamps or the Rev. Court who should be entrusted with the control over work. What is the practice in Bombay & elsewhere where the Rev. Court is not identical with the Courts of Stamps. The Secy is required to bring the file in person before me with about the British Indian system & language of the draft.

See 7.12.20

The language of the code of Civil Procedure will have to be followed e.g. stamp duty is not what mentioned &c

55. The draft in the file is a copy of paras 108 to 115 (pages 305 to 306) of the Rules in force in Madras contained

K.D.S. please see me 11.12.20

Attended to. made the changes as are explained as per instructions of the Under Secretary in person

NOTE—Contn. sheet.

General and Revenue Secretariat. File No. 11 of 1920

Serial No.

57. The draft G.O follows the Madras rules on the subject but there is one point on which a definite ruling seems to be required viz whether the Bd Comrs should be at liberty to engage any local advocate or pleader to represent him both where the Bd Comrs contests the applt to sue in forma pauperis and where execution proceedings are taken to recover the stamp duty due. The Rev. Comr recommends that a greater latitude may be left to the Bd Comrs in the latter case and this opinion may be accepted as it will be more convenient and less expensive. As regards the former class of cases it appears to be more advantageous to engage the services of the Public Prosecutor who is the accredited legal adviser of Govt. On receipt of instructions on this point the draft G.O will be finally revised and submitted for approval

15.1.21

(3rd member)

15-1-21

P.T.O

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. 11 of 1920

Serial No.

3719-2
17-1-21.

56. Please see rule 56 in the draft copy of the rules. Should this be amended or inserted as a separate rule to the effect that no person shall be allowed to practise in the local courts. Should a person who is entitled to practise in the Courts of Lahaul & Spiti or in the tribal area be allowed to practise in the Courts of Punjab Province who will have to attend his cases in the Courts of Punjab & conduct his proceedings. The trade agents of the D. A will have to be consulted in this matter before any decision is arrived at. It will not only be necessary to examine the qualifications of pleaders in local courts. In this the Deputy Comm. or the local Assistant can help. Can fees be prescribed to pleaders in local courts & can they be allowed to appear in the Punjab Courts & vice versa.

57. The rules framed contain two many general details which do not require a special mention. For example the Punjab Procedure & Courts Act should be superseded & there is no need to draft the separate appeals. It is quite unnecessary

NOTE—Contn. sheet.

G. R. S. 111-2]

General and Revenue Secretariat.

File No. 11 1692 of 1920

(26)

Serial No.	
1	Detail in the rules for purchase land such application and certain;
	File received again on 5-3-21.
	60. Submitted with a draft clean copy of the draft as revised by the third Member,
	16-3-21 16/3/21
	2nd Member) 16.3.21
4819-122 24-3-21	2nd member) 61) Don't approved
	26.3.21
	62) Re, file being marked for submn to Dewan, Kindly see paras. 1 & 2 of notes above. The question is also one relating to the Rev Deptt, the rules being framed for the guidance of the Offices of that Deptt in the matter of the recovery of the fees &c.
	The file will, if appd, be subd to Dewan before issue of orders.
	2nd Member) P.J.O 26.3.21

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat.

Sl. File No. 11 of 1920.

Serial No.

4918.221

29.3.21.

63) Secy. The position was not clear to me in the first instance. Action may now be taken as proposed.

Rec
30.3.21

DEWAN'S OFFICE
Recd. on MAR 31 1921
Reg. No. 6169

Dewan) 64)

hm
30.3.21

Secy.
1.4.21

65) May issue

hm
2.4.21

To

The Commr. of Nanjad
" Rev. Commr.
" Dy. Commrs of Distts
" Registrar Chief Court

No. R. 11306-2-6 9.11.4.21

Lays down rules as regards suits in "forma pauperis".

OFFICE OF THE SECRETARY
JUL 1922
JUDICIAL BRANCH

B Rec
6/7

NOTE—Contn. sheet.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Flag H

Flag J

The Chief Controlling authority for Stamp Revenue is vested in the Comr. of Stamps who is responsible for the proper administration of the Stamp ~~Dept~~ Revenue. (Vide Notifn. no. 2828 St. 11-18-1 dated 20th Aug. 1918 and G.G. no. Fl. 9083-125 S.R. 140-06-2 dated 8-6-07) It is therefore proposed in the draft G.C. that the progress reports re collection of Stamp duty due to Govt. in pauper suits should be submitted to the Comr. of Stamps.

2. As regards the practice in Bombay,

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

by in the name of the Board.

As regards the marginal note of the Revenue Secretary against para 54 of the notes, it is submitted that the Rules prescribed in the draft G. O. are supplementary to the Rules contained in the Order XXXII of the C.P.C. in regard to Pauper suits. The Rules in question do not appear to be inconsistent with the C.P.C. The Govt. Advocate has stated that they are suitable and may be adopted.

The amount of stamp duty recoverable in such suits is not mentioned in the draft G. O., as it will vary according to nature of the suit and the value of the property involved.

16.11.20

The draft G. O. [illegible]

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

119

(32

G. R. S. VI—G/32]

SUBJECT.....

Diary No. of letter replied to 7308

Section Ec-St.

File No.

Serial No.

GENERAL AND REVENUE SECRETARIAT

191

D.O. No. R 3144.D 2.9.20

Date of issue 2.9.20

Signed by Mr A.V. Ramaswami

Dear Sir,

I am directed kindly to request you to forward a copy of G.O. No. R 5115 dated 7th Nov. L.R. 164-16-2 to 1911 referred in your note in the file No. cts. 212-19 re recovery of stamp duty in Pauper Suits which was referred to you unofficially for opinion, as the original file of the Secretariat on the subject

2/14

S.A. 11-20-4

Proceedings of the Govt. of H. H. the Maharaja of Mysore.

Read :-

1. G. O. No. 8082/J.167 dated 4-2-80
2. G. O. No.R. 5115/L.R. 164-10-2 dated 7th December 11.
3. G. O. No. J. 144-56/Cts. 269-10-4 dated 10th July 11.
4. G. O. No. J. 993-1005/Cts. 67-11-2 dated 19th September 11.
5. G. O. No. G. 16888 dated 23rd January 1920.

The marginally noted Government Orders issuing certain instructions regarding the recovery of institution fees in suits filed "in forma pauperis"

2. Government Order No. 1932-85/J. 137 of 02-03 dated 16th March 1904 prescribing certain rules to regulate the employment and remuneration of legal practitioners appearing on behalf of Government in civil and criminal cases.

May this be

i Printed ?

ii treated as a standing order ?

ii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette Kannada Part ?

ORDER No. R 11306-26.

Dated, Bangalore 11th April ~~March~~ 1921.

In supersession of the Government Orders read above, Government are pleased to lay down the following instructions in regard to the action to be taken by Revenue Officers in the matter of "Pauper suits", and for supervising the collection of the Stamp Duty awarded to Government in such suits.

1. On receiving notice under rule 6, Order XXXIII, of the Civil Procedure Code regarding an application to sue "in forma pauperis", Deputy Commissioners should institute the necessary enquiries as to the

real status of the applicant and should they feel satisfied that he is actually a pauper, no action need be taken to dispute such application.

2, But if, on such enquiry, there appear to be circumstances in the applicant's case which prima facie disentitle him to sue as a pauper, the Deputy Commissioner may either in conjunction with the opponent or, independently of him, oppose the application. In the latter case, he may engage the services of the Public Prosecutor or a local pleader.

3. When a person is permitted to sue as a pauper, it is not necessary that steps should be taken to watch the further proceedings in the case, but should circumstances subsequently come to light, which show that the indulgence granted to the plaintiff or appellant was one to which he was not entitled, the Deputy Commissioner will act in the manner described in rule 2.

4. Rule 14, Order XXXIII of the Civil Procedure Code requires that in pauper suits the court concerned shall forthwith send a copy of the decree to the Deputy Commissioner with a view to recover the institution fees due to Government in such cases.

Fees

5. On receipt of a copy of the decree from the court it will be sent to the Amildar with instructions to ascertain

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in the first instance whether the party liable is able to pay. If he is able but fails to pay up the amount, the Public Prosecutor should at once be moved to apply by petition to the Court, under the Civil Procedure Code, to recover the amount by the attachment and sale of the Party's Property. The Deputy Commissioner should engage the services of the Public Prosecutor, or any other local pleader, to institute proceedings in the court concerned for the recovery of the amount due.

6. When on enquiry it is found that the prospects of recovering the institution fees awarded in pauper suits are slender or when owing to lapse of time the claim has been extinguished, application should be made to the Government or the Commissioner of Stamps (in cases where the amount does not exceed Rs. 100) for sanction to write off the demand as irrecoverable. A separate application is not needed in each case. All pending cases may be included in one statement in the form given in the annexure to this order and be submitted quarterly.

7. Deputy Commissioners are at liberty not to initiate proceedings for the recovery of the Stamp Duty in pauper suits in cases in which the collection of the amount cannot be effected without depriving the parties liable of the actual means of subsistence. Such amount may be dealt

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with as under para 3.

8. Quarterly returns in the form given in the annexure to this order showing the progress made in the collection of institution fees awarded to Government in pauper suits should be submitted by the Deputy Commissioners to the Stamp Commissioner. The returns should be despatched on or before the last day of the month following the quarter to which they relate. The Stamp Commissioner is requested to review every half year the reports received from Deputy Commissioners, to forward a copy of the review to the Revenue Commissioner and to report the recoveries made every year under this head in the annual reports on the working of the Stamp Department.

21.3.21.

26.3.21

Secretary to Government,
16.3.21 Revenue Department.

To

The Commissioner of Stamps.
The Revenue Commissioner in Mysore.
The Deputy Commissioners of Districts
The Registrar of Chief Court.

T.S.

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ANNEAURE.

Statement showing the progress made in the colection of the ~~balance of Stamp duty~~ Institution fees awarded to Government in Pauper suits for the quarter ending. . . . . 19 .

General number in the ledger and year	Name of Court	Number and year of suit	Balance at the beginning of the quarter	~~Stamp Duty~~ Institution fees awarded and brought to account during the quarter	Collection during the quarter	Reported to be irrecoverable up to the quarter	Balance at the beginning of the next quarter	Remarks as to condition of the defaulters and the steps taken for the recovery of the balance

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Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. R. 11306-26—St. 11-20-4, dated 11th April 1921.

Recovery of institution fees in suits filed in *forma pauperis*.

Issues instructions in the matter of the ——

W D 1866—GPB—25-4-21—775